APPENDIX "C"

APPENDIX "C"

UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 21,193

UNITED STEELWORKERS OF AMERICA, AFL-CIO, LOCAL 5571,

Petitioner,

v.

NATIONAL LABOR RELATIONS BOARD,

Respondent.

STANLEY-ARTEX WINDOWS, DIVISION OF THE STANLEY WORKS,

Intervenor.

STANLEY-ARTEX WINDOWS, DIVISION OF THE STANLEY WORKS,

Petitioner,

v.

NATIONAL LABOR RELATIONS BOARD,

Respondent,

UNITED STEELWORKERS OF AMERICA, AFL-CIO, LOCAL 5571,

Intervenor.

Filed November 21, 1968, United States Court of Appeals for the District of Columbia Circuit.

JUDGMENT

Before: BASTIAN, Senior Circuit Judge, and BURGER and McGOWAN, Circuit Judges.

THESE CAUSES were submitted to this Court upon petitions to review, and a cross-petition for enforcement of, an Order of the National Labor Relations Board dated August 3, 1967, against Stanley-Artex Windows, Division of the Stanley Works, its officers, agents, successors, and assigns. The Court heard argument of respective counsel on April 8, 1968, and has considered the briefs and transcript of record filed in these causes. On September 3, 1968, the Court being fully advised in the premises, handed down its opinion denying the petitions for review, and granting enforcement of the Board's order. In conformity therewith, it is hereby

ORDERED AND ADJUDGED by the Court that the Company's Petition for Review in case No. 21,343 and the Union's Petition for Review in case No. 21,193 are denied, and it is

FURTHER ORDERED AND ADJUDGED by the Court that the said Order of the National Labor Relations Board in said proceeding be enforced, and that Stanley-Artex Windows, Division of the Stanley Works, its officers, agent, successors, and assigns abide by and perform the directions of the Board in said Order contained.

Walter A. Bastian

Senior Circuit Judge, United States Court of Appeals for the District of Columbia Circuit

Warren E. Burger

Circuit Judge, United States Court of Appeals for the District of Columbia Circuit

Carl McGowan

Circuit Judge, United States Court of Appeals for the District of Columbia Circuit

APPENDIX "D"

UNITED STATES COURT OF APPEALS FOR THE
DISTRICT OF COLUMBIA CIRCUIT

September Term, 1959

No. 17163

UNITED STEELWORKERS OF AMERICA,
AFL-CIO, LOCAL 5571,

Petitioner,

APPENDIX "D"

NATIONAL LABOR RELATIONS BOARD,

Respondent,

STANLEY-ARTEX WINDOWS, DIVISION OF
STANLEY WORKS,

Intervenor.

No. 21348

STANLEY-ARTEX WINDOWS, DIVISION OF THE
STANLEY WORKS,

Petitioner

v.

NATIONAL LABOR RELATIONS BOARD,

Respondent

UNITED STEELWORKERS OF AMERICA,
AFL-CIO, LOCAL No. 5571,

Intervenor.

APPENDIX "D"

APPENDIX "D"

UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

September Term, 1968

No. 21193

UNITED STEELWORKERS OF AMERICA, AFL-CIO, LOCAL 5571,

Petitioner,

v.

NATIONAL LABOR RELATIONS BOARD,

Respondent.

STANLEY-ARTEX WINDOWS, DIVISION OF STANLEY WORKS,

Intervenor

No. 21343

STANLEY-ARTEX WINDOWS, DIVISION OF THE STANLEY WORKS,

Petitioner

v.

NATIONAL LABOR RELATIONS BOARD,

Respondent

UNITED STEELWORKERS OF AMERICA, AFL-CIO, LOCAL No. 5571,

Intervenor

Before: Bastian, Senior Circuit Judge, Burger and McGowan, Circuit Judges, in Chambers.

Filed January 2, 1968, United States Court of Appeals for the District of Columbia Circuit.

ORDER

On consideration of the petition for re-hearing filed in the above-entitled cases by Stanley-Artex Windows, division of the Stanley Works, it is

ORDERED by the Court that the aforesaid petition for re-hearing is denied.

Per Curiam.

Senior Circuit Judge Bastian did not participate in the foregoing Order.

APPENDIX "E"

APPENDIX "E"

APPENDIX "E"

UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT
September Term, 1968

No. 21,193

UNITED STEELWORKERS OF AMERICA, AFL-CIO, LOCAL 5571,

Petitioner,

v.

NATIONAL LABOR RELATIONS BOARD,

Respondent.

STANLEY-ARTEX WINDOWS, DIVISION OF THE STANLEY WORKS,

Intervenor

No. 21,343

STANLEY-ARTEX WINDOWS, DIVISION OF THE STANLEY WORKS,

Petitioner,

v.

NATIONAL LABOR RELATIONS BOARD,

Respondent.

UNITED STEELWORKERS OF AMERICA, AFL-CIO, LOCAL No. 5571,

Intervenor

Filed February 3, 1969, United States Court of Appeals for the District of Columbia Circuit.

Before: Bastian, Senior Circuit Judge; and Burger and McGowan, Circuit Judges, in Chambers.

ORDER

On consideration of the motion of Stanley Artex Windows, Division of the Stanley Works, to recall the mandate and stay reissuance thereof, it is

ORDERED by the Court that the mandate is recalled and counsel for respondent, National Labor Relations Board, is directed to return to the Clerk of this Court the certified copies of the opinion and judgment previously issued to the Board on January 10, 1969.

The Clerk is directed to stay the reissuance of the opinion and certified copy of this Courts judgment for a period of 30 days from the date of this order.

Per Curiam.

Senior Circuit Judge Bastian did not participate in the foregoing order.

UNITED STATES COURT OF APPEALS
For The District of Columbia Circuit

September Term, 1968

No. 21,193

UNITED STEELWORKERS OF AMERICA, AFL-CIO, LOCAL 5571,

Petitioner,

v.

NATIONAL LABOR RELATIONS BOARD,

Respondent.

No. 21,343

STANLEY-ARTEX WINDOWS, DIVISION OF THE STANLEY WORKS,

Petitioner,

v.

NATIONAL LABOR RELATIONS BOARD,

Respondent.

Filed March 19, 1969, United States Court of Appeals for the District of Columbia Circuit.

Before: Bastian, Senior Circuit Judge; and Burger and McGowan, Circuit Judges, in Chambers.

ORDER

On consideration of the motion of Stanley-Artex Windows, Division of the Stanley Works to further extend the stay of the transmittal of this Court's mandate, it is

ORDERED by the Court that the aforesaid motion be granted and the Clerk is directed to stay the transmittal of the opinion and certified copy of this Court's judgment to and including March 31, 1969.

Per Curiam.

APPENDIX "F"

SUPREME COURT OF THE UNITED STATES

October Term, 1968

No. .....,

STANLEY-ARTEX WINDOWS, DIVISION OF THE STANLEY WORKS,

Petitioner,

v.

NATIONAL LABOR RELATIONS BOARD

ORDER EXTENDING TIME TO FILE PETITION FOR WRIT OF CERTIORARI

UPON CONSIDERATION of the application of counsel for petitioner,

IT IS ORDERED that the time for filing a petition for writ of certiorari in the above-entitled cause be, and the same is hereby, extended to and including May 2nd, 1969.

S/ EARL WARREN

Chief Justice of the United States.

Dated this 7th day of March, 1969

APPENDIX "G"

National Labor Relations Act, as amended (61 Stat. 136, 73 Stat. 519; 29 U.S.C. 151, et seq.):

29 U.S.C. 158 (a)(1):

"(a) It shall be an unfair labor practice for an employer (1) to interfere with, restrain, or coerce employees in the exercise of the rights guaranteed in section 157 of this title."

APPENDIX "G"

29 U.S.C. 158 (a)(3):

"(a) It shall be an unfair labor practice for an employer . . . (3) by discrimination in regard to hire or tenure of employment or any term or condition of employment to encourage or discourage membership in any labor organization; . . ."

29 U.S.C. 158 (a)(5):

"(a) It shall be an unfair labor practice for an employer . . . (5) to refuse to bargain collectively with the representatives of his employees."

APPENDIX "G"

APPENDIX "G"

National Labor Relations Act, as amended (61 Stat. 136, 73 Stat. 519, 29 U.S.C. 151, *et. seq.*).

29 U.S.C. §158 (a) (1):

> "(a) It shall be an unfair labor practice for an employer — (1) to interfere with, restrain, or coerce employees in the exercise of the rights guaranteed in section 157 of this title. . . . "

29 U.S.C. §158 (a) (3):

> "(a) It shall be an unfair labor practice for an employer — . . . (3) by discrimination in regard to hire or tenure of employment or any term or condition of employment to encourage or discourage membership in any labor organization. . . . "

29 U.S.C. §158 (a) (5):

> "(a) It shall be an unfair labor practice for an employer — . . . (5) to refuse to bargain collectively with the representatives of his employees, ... "

29 U.S.C. §158(d):

> "(d) For the purposes of this section, to bargain collectively is the performance of the mutual obligation of the employer and the representative of the employees to meet at reasonable times and confer in good faith with respect to wages, hours, and other terms and conditions of employment, or the negotiation of an agreement, or any question arising thereunder, and the execution of a written contract incorporating any agreement reached if requested by either party, but such obligation does not compel either party to agree to a proposal or require the making of a concession. . . . "